

Late Backup

ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on November 6, 2012 at which the ballot shall be prepared to permit voting "yes" or "no" on the following proposition:

Proposition ---

Shall the city charter be amended to provide for the election of council members from eight geographical single-member districts, with the mayor and two additional council members to be elected from the city at large?

PART 2. If Proposition --- is approved by the majority of voters voting at the election, Article II, Sections 1 and 2 of the city charter are repealed and replaced with new Sections 1 and 2 to read as follows:

§ 1 MEMBERSHIP, ELECTION AND TERM OF COUNCIL MEMBERS.

(A) The city council shall be composed of:

- (1) a mayor elected from the city at-large;
- (2) two council members elected from the city at-large; and
- (3) eight council members elected from geographical single-member council districts.

(B) The term "council member" includes the mayor unless otherwise provided. A reference to the city council includes the mayor.

(C) The city council shall designate each geographical council district by a number.

(D) A council member shall hold office for a term specified by this Charter or until a successor has been elected and qualified. If elected to fill an unexpired term,

1 a council member shall hold office for the remainder of the unexpired term or
2 until a successor has been elected and qualified.

3 (E) The regular term of a council member begins on the date set by ordinance. A
4 councilmember may qualify for office on that date or as soon thereafter as
5 practicable. In the case of a special election to fill an unexpired term, the
6 person elected may qualify and assume office as soon as practicable after the
7 canvass of the election.

8 (F) A candidate for city council must meet all eligibility requirements of state law
9 and must have resided continuously in the state for 12 months and in the city
10 for six months immediately preceding the regular filing deadline for a
11 candidate's application for a place on the ballot. A candidate for city council
12 from a council district must have resided continuously in the district from
13 which the member seeks election for six months immediately preceding the
14 regular filing deadline for a candidate's application for a place on the ballot. If
15 a council member ceases to reside in the city the council member
16 automatically resigns. If a council member elected from a council district
17 ceases to reside in the district the council member automatically resigns, unless
18 the council member ceases to reside in the district solely because the
19 boundaries of the district have been redrawn during the council member's
20 tenure.

21 **§ 2 REDISTRICTING; TRANSITION.**

22 (A) The boundaries of geographical single-member council districts shall be drawn
23 by ordinance from time to time.

24 (B) The drawing of council district boundaries shall be accomplished as soon as
25 practicable after the necessary data becomes publicly available after each
26 decennial federal census, and at other times that the council finds redistricting
27 is necessary or appropriate because of:

28 (1) a court order;

29 (2) requirements of state or federal law relating to a municipal boundary
30 change; or

31 (3) demographic changes, or population disparities among districts, for
32 which the city council finds that adjustments of the council district
33 boundaries are necessary or appropriate.

34 (C) A general election shall be held on the first election date authorized by state
35 law and by this Charter after the effective date of this section, and after all

1 legal prerequisites to the implementation of the council districts have been
2 satisfied, at which all of the council members specified by section 1 shall be
3 elected. On the qualification of the council members elected at that election the
4 terms of all previously sitting council members shall end.

5 (D) An ordinance enacted by the city council in anticipation of the amendments to
6 this article submitted to the voters on November 6, 2012, is not void because
7 of its anticipatory nature.

8 **PART 3.** If Proposition --- is approved by the majority of voters voting at the election,
9 Article II, Sections 11 and 12 of the city charter are amended to read as follows:

10 **§ 11 RULES OF PROCEDURE.**

11 The council shall by ordinance determine its own rules and order of business. A majority
12 of the whole council [~~Four (4) or more councilmembers~~] shall constitute a quorum, and
13 [~~but~~] no action of the council shall be of any force or effect unless it is adopted by the
14 favorable votes of a majority of the whole council [~~four (4) councilmembers~~]. Minutes of
15 all meetings of the council shall be taken and recorded, and such minutes shall constitute
16 a public record.

17 **§ 12 PROCEDURE TO ENACT LEGISLATION.**

18 The council shall legislate by ordinance only, and the enacting clause of every ordinance
19 shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN."
20 Before any ordinance shall be adopted, the city attorney shall approve such ordinance in
21 writing or shall file with the city clerk his or her written legal objections thereto. Every
22 ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two
23 [~~(2)~~] councilmembers, and shall be filed with and recorded by the city clerk before the
24 same shall become effective. Unless otherwise provided by law or this Charter, no
25 ordinance shall become effective until the expiration of 10 [~~ten (10)~~] days following the
26 date of its final passage, except where an ordinance relating to the immediate
27 preservation of the public peace, health or safety, is adopted as an emergency measure by
28 the favorable votes of at least two-thirds [~~five (5) or more~~] of the councilmembers and
29 contains a statement of the nature of the emergency.

30 **PART 4.** If Proposition --- is approved by the majority of voters voting at the election,
31 Article IV, Sections 6, 7, and 8 of the city charter are amended to read as follows:

32 **§ 6 BALLOT FORM AND RESULTS OF ELECTION.**

33 The ballot used in voting upon an initiated or referred ordinance shall state the caption of
34 the ordinance and below the caption shall set forth on separate lines the words, "For the
35 Ordinance" and "Against the Ordinance."

1 Any number of ordinances may be voted on at the same election in accordance with the
2 provisions of this article. If a majority of the votes cast is in favor of a submitted
3 ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so
4 adopted may be repealed or amended at any time after the expiration of two [~~2~~] years by
5 favorable vote of at least three-fourths [~~six (6) members~~] of the council. A referred
6 ordinance which is not approved by a majority of the votes cast shall be deemed
7 thereupon repealed.

8 **§ 7 POWER OF RECALL.**

9 The people of the city reserve the power to recall any member of the council and may
10 exercise such power by filing with the city clerk a petition, signed by qualified voters of
11 the territory from which the council member is elected [~~city~~] equal in number to at least
12 10 [~~ten (10)~~] percent of the qualified voters of the territory from which the council
13 member is elected [~~city~~], demanding the removal of a councilmember. The petition shall
14 be signed and verified in the manner required for an initiative petition, shall contain a
15 general statement of the grounds for which the removal is sought, and one of the signers
16 of each petition paper shall make an affidavit that the statements therein made are true.

17 **§ 8 RECALL ELECTION.**

18 Within 20 [~~twenty (20)~~] days after a recall petition is filed, the city clerk shall examine
19 the same. The provisions regulating examination, certification and amendment of
20 initiative petitions shall apply to recall petitions. If the petition is certified by the city
21 clerk to be sufficient and the councilmember whose removal is sought does not resign
22 within five [~~5~~] days after the certification to the council, the council shall order and hold
23 a recall election in the territory from which the council member is elected on the first
24 authorized election date that allows sufficient time to comply with other requirements of
25 law [~~within not less than thirty (30) nor more than sixty (60) days from such~~
26 ~~certification~~].

27 **PART 5.** This ordinance takes effect on _____.

PASSED AND APPROVED

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_____, 2002

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Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk